



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 30]

नई दिल्ली, शुक्रवार, जुलाई 9, 2004 / आषाढ़ 18, 1926

No. 30]

NEW DELHI, FRIDAY, JULY 9, 2004 / ASADHA 18, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 9th July, 2004:—

I

BILL No. XXXV OF 2003

A Bill to provide for the protection and development of entertainment industry by way of developing requisite infrastructure, giving necessary concessions and exemptions, streamlining the tax structure pertaining to such industry, and for deterrent punishment for the audio and video pirators of movies and their songs and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifth-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Entertainment Industry (Protection and Development) Act, 2003.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "audio and video piracy" means illegally copying or recroding of a movie or songs of such movie on video tapes, disc or microchips or audio tape, disc or such instrument for commercial purposes;

(c) "entertainment industry" includes movie or film tele serials, dramatic performance, stage show and such other mode of entertainment;

(d) "prescribed" means prescribed by rules made under this Act;

(e) words and expressions used but not defined in this Act and defined in the Cinematograph Act, 1952, the Copyright Act, 1957 and the Cable Television Network (Regulation) Act, 1995 shall have the meanings respectively assigned to them in those Acts.

Declaration of expediency.

3. It is hereby declared that it is expedient in public interest that the Central Government should take under its control the development and regulation of entertainment industry.

National policy for the protection and development of eaterainment industry.

4. The Central Government shall, as soon as may be, but within one year of the commencement of this Act, prepare and announce a National policy for the protection and development of entertainment industry and in particular provide for:—

(a) ways and means for the development of entertainment industry;

(b) development of necessary infrastructure like film cities, studios, equipment, cinema halls, theatres, etc.

(c) endeavour to rationalize the entertainment and other taxes through consultations amongst the Central and State Governments;

(d) such other measures considered necessary for the development of entertainment industry.

Appropriate Government to easure non-closure of cinema halls.

5. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall ensure that the cinema halls within its territorial jurisdiction are not closed on flimsy grounds and shall endeavour to remove the problems of such cinema halls.

Financing by Banks and Financial Institutions.

6. Notwithstanding anything contained in any other law for the time being in force the Banks and Financial Institutions shall finance a film or teleserial at such affordable terms and conditions as may be prescribed.

Prohibition of audio and video piracy.

7. (1) The aduio and Video piracy of any film or teleserial produced in the country is hereby prohibited.

(2) Exhibition of a pirated movie, teleserial or music album by any cable operator is hereby prohibited.

(3) Whoever contravenes the provisions of sub-sections (1) and (2) shall be guilty of an offence under this Act.

Penalty.

8. Whoever contravenes the provisions of section 7 shall be punishable with imprisonment for a term which shall not be less than five years but may extend to ten years and with fine which shall not be less than seven lakh rupees but may extend to ten lakh rupees.

Special cells of police to hadle piracy cases.

9. Notwithstanding anything contained in any other law for the time being in force the appropriate Government shall constitute such number of Special Cells of local Police as it may deem necessary to handle the cases of audio and video piracy within its jurisdiction headed by a Police Officer not below the rank of Inspector in such manner as may be prescribed.

10. (1) Where the Police Officer referred to in section 9 of this Act has reason to believe that any person has or is committing an offence under this Act, may enter and search any building, place, vehicle where he has reason to suspect that pirated audio or video cassette has been kept and seize such cassettes by making a note or inventory thereof.

Power to search, seizure and arrest.

(2) The Police Officer having reason to believe that the person, whose premises has been searched under sub-section (1), has been guilty of an offence under this Act, he may arrest such person and shall, as soon as may be, inform him of the ground for such arrest and produce him before appropriate court within twenty-four hours.

11. For the purposes of this Act and for the speedy trial of offence under this Act the Central Government shall, by notification, establish such number of special courts as it may deem necessary for the purposes of this Act.

Establishment of Special Courts.

12. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 the offences under this Act shall be cognizable and non-bailable.

Offences to be cognizable and non-bailable.

13. The provisions of this Act and of rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to entertainment industry.

Overriding effect of the Act.

14. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty.

Power to remove difficulties.

15. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The entertainment industry comprising films or movies, TV serials, plays etc. plays a very significant role in the economy of our country as it produces maximum number of movies and serials in the world and crores of people earn their livelihood through entertainment industry directly or indirectly. Our country has world-class infrastructure for the industry and beautiful locations for shooting the films. But due to the apathy of the Government at the Centre and also in the States, the entertainment industry is gasping for survival due to threat posed by audio and video pirates. The pirates hijack the pain, labour and sincere efforts of the film units of years within few minutes and show the films through the cable operators to the general public on Television. As a result the Cinema halls remain empty and huge losses are caused to the Producers, Distributors and others. The Government too lose the entertainment tax. Video piracy is also resulting in the closure of cinema halls in the country and commercial complexes are fast replacing them which is a matter of great concern for the film industry. The drama industry too is facing the shortage of theatres.

The police do not give requisite attention to the piracy problem. Sometimes action is not taken even on information provided to the police and hence piracy goes unhindered. If a Special Cell is created for anti piracy alone and it has to give yearly report then the Police will be activated. The Central and State Governments will have to come forward to protect the entertainment industry and also to develop it in the overall national interest.

Hence this Bill.

R. SARATH KUMAR.

FINANCIAL MEMORANDUM

Clause 11 of the Bill provides for the establishment of Special Courts to try the offences. The Bill if enacted will involve expenditure from the Consolidated Fund of India to the tune of one hundred crore rupee as recurring expenditure per annum.

A non-recurring expenditure of rupee two hundred crores may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

II

BILL NO. XXXIV OF 2003

A Bill to provide for the creation of employment opportunities for the unemployed youth by the State as a matter of right and for making it mandatory for payment of unemployment allowance to such youth till they get appropriate employment and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Employment Opportunity and Unemployment Allowance for the Youth Act, 2003.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires:—

(a) "adult citizen" means a citizen above eighteen years of age;

(b) "allowance" means unemployment allowance provided under section 4;

(c) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

Short title,
extent and
commence-
ment.

Definitions.

(d) "Fund" means National Employment Fund established under section 5;

(e) "prescribed" means prescribed by rules made under this Act.

Right to
employment
opportunity.

3. Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of this Act, every adult Citizen shall have the right to appropriate employment opportunity in public or private sector, as the case may be, to be provided or so arranged by the appropriate Government.

Unemployment
allowance.

4. Notwithstanding anything contained in any other law for the time being in force, every unemployed citizen shall be entitled to an unemployment allowance till such time the employment opportunity is provided to him in such manner as may be prescribed:

Provided that the provisions of this section shall not apply in respect of such citizen who refuse the employment opportunity offered to him.

Establishment
of National
Employment
Fund.

5. (1) The Central Government shall establish, by notification in the official Gazette, a National Employment Fund for creation of employment opportunities and grant of unemployment allowance under this Act.

(2) The Fund shall consist of:

(a) all Grants made by the Central and State Governments from time to time;

(b) all voluntary donations made to the Fund; and

(c) Grants received from international institutions and Governments.

(3) The Central Government shall, after due appropriation made by Parliament by law, provide adequate funds to the Fund from time to time.

(4) The Fund shall be utilised in such manner as may be prescribed.

Savings.

6. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to
make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There are crores of young men and women in the country who are educated, technically qualified but unemployed. They frequent the Employment Exchanges and apply wherever there are vacancies but employment remain elusive to them because generation of employment both in public and private sectors is negligible. There are thousand contenders for one job. As a result, the youth of the country is frustrated and their number is increasing year after year as more batches of Graduates, Post-Graduates, diploma and degree holders join the stream of unemployed. This frustrated lot is being exploited by the anti-social and anti-national elements and many of unemployed youth are turning to crimes and terrorism. Unemployment is also resulting in brain drain and exodus of educated, skilled and unskilled youth abroad in search of green pastures.

To check this trend, a concerted effort at the State and national level has to be initiated by the Government. Right to employment opportunity has to be recognised and provision for unemployment allowance has to be made mandatory.

Hence this Bill.

R. SARATH KUMAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the right to employment opportunity for the adult citizens. Clause 4 provides for the payment of unemployment allowance. Clause 5 provides for the establishment of National Employment Fund. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand five hundred crores will involve as recurring expenditure per annum.

A non-recurring expenditure of rupees ten crores may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

III

BILL NO. III OF 2004

THE FARMERS (OLD AGE ALLOWANCE, REMOVAL OF INDEBTEDNESS AND MISCELLANEOUS PROVISIONS) BILL, 2004

A Bill to provide for the payment of old age allowance to the farming community by the State so as to enable them to maintain themselves during old age and for the removal of their indebtedness by giving remunerative prices for the produce, settling loans taken from Banks and other institutions, saving them from the clutches of moneylenders and for the provisions during natural calamities, etc. and for matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Farmers (Old Age Allowance, Removal of Indebtedness and Miscellaneous Provisions) Act, 2004.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "farmer" means a person who owns land or cultivates land for agricultural or horticultural purposes and includes the spouse of such farmer;

(c) "old age" means where the farmer has attained the age of sixty years or more;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "scheme" means the Farmers Credit Scheme framed under section 5.

3. (1) The appropriate Government shall, on an application made in the prescribed form, pay old age allowance to every farmer which shall not be less than rupees one thousand per month from the date of commencement of this Act:

Old age allowance to Farmers.

Provided that the old age allowance shall be subject to revision on the basis of prevailing price index as may be determined by the Central Government in consultation with the State Governments from time to time.

(2) The old age allowance payable under sub-section (1) shall be paid to the farmers by the appropriate Government in such manner as may be prescribed.

(3) Any farmer who is in receipt of pension from the Government other than the prescribed under this Act or having adequate source of income shall forfeit his right to claim old age allowance under this Act.

4. (1) The appropriate Government shall take such appropriate measures as it may deem necessary and expedient for the removal of indebtedness amongst the farmers and in particular shall endeavour to save them from the clutches of moneylenders who exploit the farmers by charging exorbitant interest from them.

Removal of indebtedness amongst farmers.

(2) For the purposes of sub-section (1) the appropriate Government shall endeavour to give remunerative prices for the produce of the farmers.

5. (1) The Central Government in consultation with the Government of the States, shall frame, as soon as may be but within one year from the commencement of this Act, a scheme to be known as "Farmers Credit Scheme" and administer the same for the benefit of farmers.

Farmers Credit Scheme.

(2) The Scheme shall provide for:—

(a) the terms and conditions for the grant of credit to farmers;

(b) the extent to which the credit may be given and setting of previous loan taken, if any;

(c) the nominal interest that may be charged on the credit;

(d) the concessions which are to be given in respect of the credit in case of natural calamity affecting the farming activities and the yield;

(e) such other things which the Central Government may deem necessary for the purposes of this Act.

6. Notwithstanding anything contained in any other law for the time being in force the Banks including Regional Rural Banks and Co-operative Banks shall execute the scheme in such manner as may be prescribed.

Banks of execute the scheme.

7. The Central Government shall issue such guidelines to the Banks as it may deem necessary for carrying out the purposes of this Act.

Guidelines.

Central
Government
to provide
funds.

Savings.

Power to
make rules.

8. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide adequate funds at the disposal of States and Union Territories, to meet the expenditure incurred by them for the purposes of this Act.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in any part of the country dealing with the welfare of farmers.

10. The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There are millions of old farmers in our country and due to increase in life expectancy, their number is increasing. These farmers mainly depend on their children but due to economic reasons, children are unable to support their old parents. This has made life miserable for most of the old farmers. They do not have a permanent source of income and as a result they live in hunger and are left uncared for. Many of them suffer from chronic ailment or infirmity. Though some states are giving old age pension to old persons including farmers but that is meagre. It is felt that at least one thousand rupees per month should be given as old age allowance to needy farmers to enable them to maintain their living at the fag end of their lives. This allowance should be raised with the rise in the price index.

A farmer who produces food for the entire population and raw material for the industries remains under debt throughout his life. As such indebtedness is a chronic and continuing problem for him. Most of the farmers are exploited by moneylenders operating in rural areas who charge exorbitant rates of interest and on default confiscate the property and fields of the farmer. Since the financial condition of majority of the farmers is so bad that even those who have taken loans from Banks, despite their best intentions are unable to repay the loans in time thereby triggering all sorts of problems and court cases.

Ours is a welfare State. Hence the Government is bound to provide social security to the farmers and remove their indebtedness by taking effective steps in the right direction. The Central Government should bear the cost of implementation of the Bill as the financial condition of States is precarious and they cannot bear this burden.

Hence this Bill.

PREMA CARIAPPA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of old age allowance to farmers. Clause 8 of the Bill provides that the Central Government shall provide funds for carrying out the purposes of this Bill. The Bill if enacted will involve expenditure from the Consolidated Fund of India to the tune of two thousand crore rupees per annum as recurring expenditure.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

IV

BILL NO. V OF 2004

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-fifth year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2004.

(2) It shall come into force with immediate effect.

2. In article 124 of the Constitution, to clause (1), the following proviso shall be added, namely:—

“Provided that a minimum of one-third of such Judges shall be appointed from amongst eligible women.”

Short title
and
commence-
ment.

Amendment
of article
124.

3. After article 130 of the Constitution, the following proviso shall be inserted, namely:—

Amendment
of article
130.

“Provided that there shall be established a permanent bench of the Supreme Court at Bangalore consisting of such number of Judges of the Supreme Court as the Chief Justice of India may from time to time determine to exercise the powers and jurisdiction for the time being vested in the Supreme Court in respect of cases arising in the Southern States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, and the Union Territory of Pondicherry.”

4. After article 216 of the Constitution, the following proviso shall be inserted, namely:—

Amendment
of article
216.

“Provided that a minimum of one-third of such Judges shall be appointed from amongst eligible women.”

STATEMENT OF OBJECTS AND REASONS

In our country half of the population consists of women who are considered to be the weakest section of the society, and are exploited, ill-treated, insulted and have been ignored for ages. Despite all hurdles, which start prior to her birth, a section of women has made progress and though small in number, women have started participating in all walks of life in the society. Judiciary is not an exception to it and many women judges are there in our country. In a recent judgement, the Supreme Court of India had stressed the need for sensitizing the Courts in respect of crimes against women and emphasized for appointing adequate numbers of women Judges in various courts of the country. Empowerment of women is another demand that is making waves in the country. So there is a need for reservation in favour of women in Judiciary also. To begin with, reservation in their favour in appointments of Judges in Supreme Court and High Courts be made by amending the Constitution.

The Supreme Court of India is the highest Court of Justice in the country. It is located in New Delhi. As a result, the litigants have to come to New Delhi from all parts of the country in connection with their cases in Supreme Court. Thousands of people including civil servants and others have to come to New Delhi in response to summons and notices of the apex court. Thus seeking justice from Supreme Court becomes too costly for the litigants who not only spend lot of money but also undertake tiresome journeys. This is exactly what is happening to the litigants of the Southern States, which are very far away from New Delhi. This also consumes the precious time of the litigants. Distance of the Supreme Court alone has led to piling up of cases, adjournments or postponements, *ex-parte* decisions, etc. thereby delaying the delivery of justice.

Hence, a bench of the Supreme Court in Southern India is the need of the hour. Bangalore, the garden and capital city of Karnataka which has been developed as the cyber city of the nation is the most ideally suited for establishing such a permanent bench of the Supreme Court. The pleasant climate of Bangalore with proper infrastructure and other facilities, its good connection with all the Southern States and New Delhi is the reasons why Bangalore is the right place for the purpose. The Supreme Court bench at Bangalore will not only save time and money of the litigants of Southern India but also help in expeditious disposal of cases.

Hence this Bill.

PREMA CARIAPPA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a permanent bench of the Supreme Court at Bangalore, the capital city of Karnataka. The Bill if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that it may involve a recurring expenditure of rupee one crore per annum.

A non recurring expenditure of rupee Ten crore is also likely to be involved.

V

BILL NO. VI OF 2004

A Bill to provide for the mandatory maintenance of aged parents, dependent wife, minor or physically challenged children by the citizens and for the payment of maintenance allowance and to debar from succession and for penal provision in case of refusal to take care and for maintenance in such cases and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Maintenance of Aged Parents, Wife and Dependent Children by Citizens Act, 2004.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act unless the context otherwise requires:—

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

Short title,
extent and
commence-
ment.

Definitions.

(b) "minor" means a child who has not attained majority under the provisions of the Majority Act, 1875 (9 of 1875);

(c) "parents" means aged father and mother both together or separately as the case may be;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "wife" includes a married woman who has been divorced by her husband or who is living with her husband in the same household or separately but is not able to maintain herself.

Compulsory maintenance of aged parents, wife and dependent children by citizens.

Maintenance allowance.

3. Notwithstanding anything contained in any other law for the time being in force, no person shall refuse or wilfully neglect to maintain his aged parents, wife, minor children, major child who is physically or mentally challenged, as the case may be.

4. (1) If any person violates the provisions of section 3, a Magistrate of the first class may, upon proof of such neglect or refusal by such person to maintain any of his relative referred to in section 3, order such person to make a monthly allowance or lumpsum payment thereof for such period and in such manner as may be prescribed for the maintenance of his aged parents, wife, child or children, as the case may be, and to pay the same as the Magistrate may direct from time to time.

(2) The Magistrate may before making an order under sub-section (1) consider all or any of the following matters:—

(a) income from all sources of the person against whom an order of maintenance is sought;

(b) normal living standard of the family;

(c) financial needs of the parents, wife, child or the children as the case may be;

(d) any other matter which, in the circumstances, the Magistrate may consider relevant.

Maintenance during the trial of the case.

5. (1) Notwithstanding anything contained in any other law for the time being in force, the Magistrate shall have the power to make an order directing the respondent to pay to the plaintiff such monthly amount or periodical payment as he may think fit during the pendency or trial of the petition of neglect or refusal to maintain in his court.

(2) While passing an order under sub-section (1) the Magistrate shall have the power to:—

(a) direct the respondent to deposit such amount in advance with the court as he may think fit after taking into account the facts and circumstances of the case under trial;

(b) direct the employer of the respondent to deduct from the salary of the respondent such monthly sum as he may determine and to deposit the same in the court within the prescribed time;

(c) direct the attachment of the movable and immovable property of the respondent for the purposes of this Act.

Discharge of order.

6. An order of payment of monthly maintenance allowance or lump sum amount, as the case may be, passed under this Act, shall not stand discharged except by actual payment or upon a settlement between the parties to the suit and after the Magistrate has recorded that the settlement is fair and voluntary.

7. An appeal shall lie to the concerned High Court from any order made by the Magistrate under this Act.

Appeal.

8. (1) Notwithstanding anything contained in any other law for the time being in force, any person who neglects or refuses to take care and maintain his aged parents shall cease to be the legal heir of his parents and lose his succession right and in case he has already succeeded them and inherited their property in any manner whatsoever, he shall return back the ownership and title of such property to his parents in such manner as may be prescribed.

Cessation of right to succession in certain cases.

(2) It shall be the duty of the appropriate Government to execute the provisions of sub-section (1) in such manner as may be prescribed.

9. Whoever fails without sufficient reasons to comply with an order of the Magistrate to pay maintenance allowance under this Act, the Magistrate may, for every breach of his order, issue a warrant for levying the amount due in manner provided for levying fines under the Code of Criminal Procedure, 1973 and may sentence such person, for the whole or any part of such months for which allowance remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment of maintenance allowance is made by such person.

Penalty.

2 of 1974

10. The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything contrary contained in any other law for the time being in force or in any other instrument having effect by virtue of any law other than this Act, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to maintenance matters.

Act to have overriding effect.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In our culture parents are given priority even over God when we recite "*Maata, Pita, Guru, Devata*". The parents not only bring the children on this earth but also do their best to bring them up with comforts of life and also establish their children in their lives by providing them best possible education according to their capacity. In many cases, the parents incur heavy debts for the higher studies of their wards. But at the same time it is also a bitter truth that some persons, once settled in life, start neglecting their parents who by that time become aged. They not only refuse to maintain their parents but in many cases throw them out from the house even if it belongs to the parents. The position of the parents becomes quite pitiable when they do not have a permanent source of income to sustain themselves. They are left to face the harsh realities of life followed by disease, poverty and old age. In many cases, they even have to beg in order to survive. Of late, old age homes are being set up to cater to the needs of the aged but these homes are not the alternative of care that the parents can receive from their children. Hence, it has become necessary to debar such irresponsible persons from inheriting the property of their parents as they neglect their parents and force them to maintain their parents properly.

Similarly, wives and children too are deserted by irresponsible persons for a variety of reasons and are forced to face immense hardships. This too has to be curbed through the legislation.

Realising the need of such legislation, some states have enacted laws in this regard, but such laws cover only the State which has enacted the law. However, such a law has become necessary at the national level also.

Hence this Bill.

PREMA CARIAPPA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of details only.

The delegation of legislative power is of normal character.

VI

BILL NO. II OF 2004

A Bill to provide for a uniform system and syllabus for school education throughout the country so as to remove the difference between the schools meant for the common people and for the affluent ones to achieve national integration and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. (1) This act may be called the Schools (Uniform System and Syllabus) Act, 2004.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Short title,
extent and
commence-
ment.

Uniform
system and
syllabus for
school
education.

2. Notwithstanding anything contained in any other law for the time being in force.

(a) there shall be a uniform system of education and common syllabus for school education for all children in the country; and

(b) all the schools run by the Central or the State Government or by any Governmental agency or by any organization or individual on public school pattern or any other pattern shall be integrated with uniform system of school education and shall have common syllabus and shall impart education on the same pattern and conditions including standard of education prescribed by the Central Government from time to time.

Derecognition
of
Certificates.

3. If any school is found imparting different pattern of education other than the one prescribed under this Act, the Central or the State Government as the case may be in whose territorial jurisdiction such a school is located, shall derecognise such school and all educational certificates awarded by such a school for all purposes in such manner as may be prescribed.

Power to
make rules.

4. The Central Government may by notification in the Official Gazette make rules to carry out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

In our country there is a contrast in school education. On one hand we have Government run *sarkari* schools meant for children belonging to poor or common families and on the other hand we have special schools popularly known as "public schools" meant for the affluent and privileged classes where only the children of the rich and aristocrats can get admission and pursue studies. There are also private schools run by organizations or individuals whose main objective is to earn money by running them on commercial lines. This division has created a complex in the minds of children studying in Government schools. It is, therefore, felt that uniformity in the system of education is imperative to create the sense of national integration in the highly sensitive and impressionable minds of the children. There should be common syllabus and uniform system of school education throughout the country.

Hence this Bill.

KUM KUM RAI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. As the matter will relate to details only the delegation of legislation power is of normal character.

YOGENDRA NARAIN,
Secretary-General.